

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, William P. Waters, being first duly sworn, do hereby depose and state:

BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since April 2022. I am currently assigned to the FBI's San Juan Division, and I am part of the Violent Crimes and Major Offenders Task Force (VCMO). As part of my duties on the Violent Crimes and Major Offenders Task Force, I have investigated various violations of federal law to include bank robberies, armed carjackings, sexual assaults, armed robberies and crimes on the high seas. Additionally, as a Special Agent I have worked temporarily in the FBI's Indian Country where I have investigated other violations of federal law on federally recognized Indian reservations to include homicide, child sexual assault, and possession, and distribution of child sex abuse material. As a Special Agent, I have received training in a wide variety of investigative topics to include topics in violent crimes and various other matters within the authority of the FBI.

2. Affiant is a law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and make arrests for offenses enumerated in Title 18, United States Code.

3. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. § 113(a)(4) Assault within Maritime and Territorial Jurisdiction of the United States, have been committed.

4. The details and information stated herein are a compilation of facts and events investigated by me and other Law Enforcement Officers, who investigated and confirmed their veracity or overseen their development. I have drafted this affidavit for the limited purpose of

establishing probable cause for certain violations of law. Therefore, I have not included all the facts of this investigation.

FACTS IN SUPPORT OF PROBABLE CAUSE

5. On April 1, 2025, FBI Special Agents and Task Force Officers assigned to the San Juan division responded to the cruise ship Resilient Lady of Virgin Voyages, in reference to an alleged assault involving Kenneth DeGiorgio (suspect, hereafter: DeGiorgio) and M.A.(victim, hereafter VICTIM).

6. Upon arrival, your affiant met with Chief Security Officer M.M. who was assigned to the Resilient Lady cruise ship of Virgin Voyages. M.M. was interviewed by FBI personnel and stated that during the early morning hours of March 31, 2025, Security Supervisor E.T. notified him of an assault which occurred at the "On The Rocks" bar aboard the ship. Security Supervisor E.T. responded to the bar and interviewed Kenneth DeGiorgio and the VICTIM. After, E.T. reviewed ship surveillance footage and determined that DeGiorgio was the male shown on the surveillance footage choking the VICTIM. Torres apprised his superior, M.M. of the situation and M.M. responded. After the incident, DeGiorgio was located in his stateroom, 15339A by E.T.. The individual seeing in the video choking the victim matched the descriptions of DeGiorgio as determined by security personnel.

7. According to cruise ship records there are two guests assigned to cabin 15339A. One is Kenneth DeGiorgio and the other is Nichol DeGiorgio.

8. Additionally, M.M. stated that at the time of the incident the Resilient Lady's position was approximately 70 nautical miles west from Ford-De-France, Martinique and that the next scheduled port of call was San Juan, Puerto Rico. As a result of the incident, the ship's captain had ordered passenger DeGiorgio confined to a cabin pending arrival at the next port of call.

9. M.M. provided your affiant with surveillance footage sourced from the cruise ship surveillance system. Upon review of the footage, your affiant observed a tall white male, identified as the VICTIM dancing. While dancing the VICTIM, showed his middle finger to a female. After a few moments, a heavy-set white male is seen on the footage standing up, walking to the VICTIM, and placing his hands around VICTIM 's neck. The heavy-set white male was identified by M.M. as Kenneth DeGiorgio. While on the dancefloor, VICTIM stumbles while under the physical control of DeGiorgio.

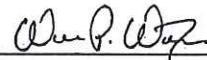
10. After viewing the footage, FBI Special Agents and Task Force Officers interviewed the VICTIM. During the interview, VICTIM stated that while dancing late at night on March 30, 2025, he was assaulted by an unknown male. The unknown male grabbed VICTIM by the neck and began to choke him. VICTIM stated that the unknown male used a lot of force and felt as if his throat was going to be ripped out. During the assault the unknown male stated, "I am going to fucking kill you." After the assault, a bartender on board the ship called security staff who spoke to VICTIM.

11. On April 1, 2025, FBI Special Agents and Task Force Officers interviewed, Nichol DeGiorgio (hereafter: N. DeGiorgio). N. DeGiorgio stated that during the cruise an unknown male was dancing barefoot on the dance floor and N. DeGiorgio told him, "Look we are all grown-ups here, can you put your shoes on?" The male responded, "Shut up you fucking bitch". During the interview, N. DeGiorgio stated that she should not have told the unknown male to put his shoes on and that the unknown male never touched her.

12. Based on the investigation conducted by the cruise security, as corroborated by interviews and surveillance, it was DeGiorgio who assaulted the VICTIM at "On The Rocks" bar aboard the Resilient Lady cruise ship.

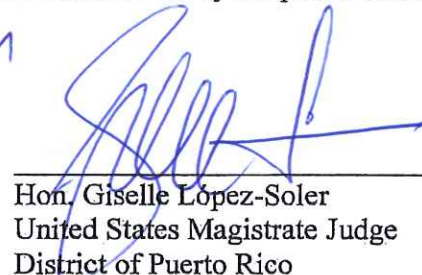
13. On April 1, 2025, FBI Special Agents and Task Force Officers attempted to interview Kenneth DeGiorgio. After being advised of his Miranda warnings, DeGiorgio requested an attorney and refused to answer any questions.

14. Based on the facts set forth above, I respectfully submit that there exists probable cause to charge Kenneth DeGiorgio with violations of 18 USC 113 (a)(4) Assault within Maritime and Territorial Jurisdiction of the United States.



William P. Waters
Special Agent
Federal Bureau of Investigation

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone in San Juan, Puerto Rico on April 1, 2025. *at 7:05 PM*



Hon. Giselle López-Soler
United States Magistrate Judge
District of Puerto Rico